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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,929	01/29/2004	Toshiaki Aono	Q79636	2659
23373 SUGHRUE MI	7590 04/10/200 ON, PLLC	EXAMINER		
	LVÁNIA AVENUE, N	MARTIN, LAURA E		
WASHINGTON	N, DC 20037	ART UNIT	PAPER NUMBER	
			2853	
			MAIL DATE	DELIVERY MODE
			04/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application	on No.	Applicant(s)		
		10/765,92	29	AONO ET AL.		
	Office Action Summary	Examiner		Art Unit		
		LAURA E	MARTIN	2853		
 Period for	The MAILING DATE of this communicated Reply	tion appears on the	e cover sheet with the c	correspondence ac	ddress	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)[7] [Responsive to communication(s) filed c	on 5/1/07				
•	•	∏ This action is n	on-final			
—	, ·	_		osecution as to the	e merits is	
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
	on of Claims	•	,			
· _	Claim(s) <u>1-34</u> is/are pending in the appl	lication				
	a) Of the above claim(s) is/are v		nsideration			
	Claim(s) is/are allowed.	withdrawn from 60	noideration.			
	Claim(s) is/are rejected.					
	Claim(s) is/are objected to.					
-	Claim(s)is/are objected to: Claim(s) <u>1-34</u> are subject to restriction a	and/or election rec	uirement			
0)[2]	Dialifi(3) 1-04 are subject to restriction a	and/or election rec	juli ettietit.			
Application	on Papers					
9) <u></u> ⊤	he specification is objected to by the E	xaminer.				
10)∐ T	he drawing(s) filed on is/are: a)	☐ accepted or b)	objected to by the l	Examiner.		
A	Applicant may not request that any objection	n to the drawing(s) b	e held in abeyance. See	e 37 CFR 1.85(a).		
F	Replacement drawing sheet(s) including the	correction is requir	ed if the drawing(s) is ob	jected to. See 37 C	FR 1.121(d).	
11)∐ T	he oath or declaration is objected to by	the Examiner. No	ote the attached Office	Action or form P	TO-152.	
Priority ur	nder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notice 3) Inform	s) of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO- ation Disclosure Statement(s) (PTO/SB/08) No(s)/Mail Date	948)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate		

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species

Species I: an ink jet recording ink and method of using said ink including an oil-soluble dye, an oil-soluble polymer, and a compound (for example, as presently disclosed in claims 1-24); and

Species II: an ink jet recording ink and method of using including an oil-soluble dye, a photopolymerizable monomer, and a compound (for example, as presently disclosed in claims 25-34).

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would

not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA E. MARTIN whose telephone number is (571)272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. E. M./

Laura E. Martin

/Manish S. Shah/ Primary Examiner, Art Unit 2853 Application Number

Application/Control No.		Applicant(s)/Patent under Reexamination		
10/765,929		AONO ET AL.		
	Examiner	Art Unit		
	I ALIDA E MADTINI	2853		

U.S. Patent and Trademark Office